UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
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Addendum to Advisory Action:

Applicant's arguments, filed on 04/25/2011, have been considered but they are not persuasive. The applicant's first several pages (2-6) are summary remarks and the applicant begins arguments at page 7 line 4.

In response to arguments that Shteyn fails to remedy Kelley's deficiencies, the examiner respectfully disagrees. The examiner asserts that in Col. 1, lines 40-67, Shteyn discloses that "A 'User Agent' represents user's interest and interacts with 'Provider Agents' that represent Providers: physical resources such as businesses, services, attractions, events, in the user's physical domain. The resources have an Internet presence (URL's) and have registered with a specific server. The specific server allows a User Agent to query for particular resources in the geographic vicinity of the user. The User Agent receives its tasks from the user in the form of a list of goals represented by key words entered in advance by the user into the appliance. The User Agent uses these data to build a user profile and to build queries for the server and the Provider Agents. The server uses the geographic location of the user, as determined through the GPS receiver, as its primary criterion in the queries. Upon finding results, the server returns an XML document including geographic location of each Provider's service and a description of how to query each Provider Agent. After determining the reachable Providers, the User Agent selects the relevant one(s) and sends a direct query to it or them. The latter is achieved through reading the documents at the URL's provided. Upon this analysis the user gets notified of potential matches."

Shteyn further discloses in Col. 2, lines 8-21 that "Systems that are location-aware can be created using URL's for addressing, physical URL beaconing and sensing of URL's for

discovery, and localized web servers for directories. The systems are ubiquitous to support nomadic users. On top of this infrastructure the Internet connectivity can be leveraged to support communications services. Web presence bridges the World Wide Web and the physical world inhabited by the users, providing a model for supporting nomadic users without a central control point."

From the above recitation of Shteyn, the "URL" for the businesses and services is equivalent the applicant's claimed "tag." Further, Shteyn's GPS receiver allows that the location of the PDA (mobile terminal) to be determined and then the PDA receives beacon signals that determine the Web URLs from wireless beacons based on the GPS location signals. Thus, one skilled in the art would understand that the Web URLs were transmitted to the PDA based on the location information determined by the PDA, and therefore, it would have been obvious to the one skilled to combine.

On page 8, the applicant argues that "Applicants respectfully disagree with the Office Action's conclusion of obviousness," but does not provide any reasons for not agreeing. The examiner asserts that both Kelly and Shteyn teach URS (tag) based services. Shteyn's URL services are further based physical location (see Col. 1, line42-45).

Shteyn further teaches the feature of changing URL based on location (through GPS estimation). Therefore, one skilled in the art would be able to understand that adding a GPS feature to the device of Kelley would to alter the tags based on location would have been obvious.

In response to arguments that Kelley's system identify web sites, not location of user (which is an attack on the references individually), the examiner asserts that claim language does

not recite the tags identify the location of the user. Further, Shteyn's URL is determined based on location of the user (see the cited portions of Shteyn).

In response to arguments that Shteyn does not disclose altering network addresses, the examiner respectfully disagrees. The examiner asserts that in Col. 2, lines 8-19 (e.g., systems that are location-aware can be created using URL's for addressing, physical URL ...") clearly teaches that different URLs (tags) are transmitted to the PDA as the PDA moves. Thus, an artesian would understand that the URLs are altered as the PDA is moved.

In response to arguments that Shteyn does not disclose "no subsequent updating or changing of URLs," the examiner respectfully disagrees. The examiner asserts that in Col. 2, lines 8-19 (e.g., systems that are location-aware can be created using URL's for addressing, physical URL ...") teaches that different URLs (tags) are transmitted to the PDA as the PDA moves. Thus, an artesian would understand that the URLs are altered as the PDA is moved.

In response to arguments that Shteyn teaches away, the examiner respectfully disagrees and asserts that Shteyn's teaching of "providing information to users within range of a beacon based on the user's interests" has nothing to do with teaching away. One skilled in the art understand that beacon signals are used for electric signaling and any device that uses GPS a receiver would be have use beacon signals.

On page 10, the applicant argues that URLs of cited references are not the same as tags, and then jumps to another argument that neither of the references suggest the network address should be changed, the examiner respectfully disagrees and asserts that one skilled in the art would understand that a URL bookmark is equivalent to a tag because it allows a user to tag a

device to return to the same location (address). Further, the changing of URL (tag) is defined in

Col. 2, lines 8-20.

In response to arguments that the cited references do not disclose the address corresponds

to service providers, the examiner respectfully disagrees and asserts that Shteyn discloses this

feature in Col. 1, lines 40-50 and further Duri teaches this feature in Par. 22-25 and claims 11, 50

and 72.

In response to arguments that the cited references have been selected in hindsight, the

examiner asserts that it must be recognized that any judgment on obviousness is in a sense

necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account

only knowledge which was within the level of ordinary skill at the time the claimed invention

was made, and does not include knowledge gleaned only from the applicant's disclosure, such a

reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In response to applicant's argument that there is no suggestion to combine the references,

the examiner recognizes that obviousness can only be established by combining or modifying the

teachings of the prior art to produce the claimed invention where there is some teaching,

suggestion, or motivation to do so found either in the references themselves or in the knowledge

generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5

USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir.

1992). In this case, the invention of Shteyn includes GPS location determination where Kelley

does not such. The examiner asserts that when Kelley combined with Shteyn, the combination

would allow the PDA to get information from the URL bookmarks (tags) from business in the

vicinity of the PDA. Further combining with Duri allow the PDA to receive service from service

providers in the vicinity of the PDA. Thus, one skilled in the art would understand that the

motivation is proper.

The examiner asserts that the claims are too broadly written and suggests an amendment

to further narrow the claims by indicating how the tags are altered to distinguish the tag URL)

alteration from Shteyn (see Shteyn, Col. 2).